

Message Text

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ORIGIN EB-08

INFO OCT-01 ARA-10 EUR-12 EA-10 IO-13 ISO-00 TRSE-00
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TREASURY:PEHRENHAFT (SUBS)
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FM SECSTATE WASHDC
TO AMEMBASSY PARIS IMMEDIATE
INFO AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY THE HAGUE
USMISSION GENEVA
AMEMBASSY LUXEMBOURG
AMEMBASSY ROME
AMEMBASSY TOKYO
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AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: ETRD
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SUBJECT: ANTIDUMPING--COST OF PRODUCTION DATA ON FRENCH
WIRE ROD

REFS: (A) PARIS 20345, (B) STATE A1851, (C) PARIS 21357

1. REGARDING REQUEST FOR AN EXTENSION OF PERIOD FOR COM-

PLETING ANTIDUMPING QUESTIONNAIRE, YOU MAY INFORM TESSIER THAT U.S. ANTIDUMPING LAW ESTABLISHES RIGID TIME LIMITS FOR TREASURY ACTION, ENTITLING DOMESTIC PETITIONER TO RELIEF AGAINST UNFAIRLY PRICED IMPORTS WITHIN SPECIFIED TIME LIMITS. TREASURY, THUS, HAS A CLEAR STATUTORY RESPONSIBILITY TO THE PETITIONER. AT THE SAME TIME, TREASURY WILL CONSIDER ANY INFORMATION SUBMITTED AFTER THE DEADLINE FOR RETURNING THE CUSTOMS QUESTIONNAIRE TO ENSURE THE FAIREST AND MOST ACCURATE ANALYSIS OF THE PETITIONER'S ALLEGATIONS. IT WOULD NOT BE POSSIBLE, HOWEVER, TO VERIFY INFORMATION SUBMITTED ON OR AFTER JULY 13 AND TAKE IT INTO ACCOUNT IN MAKING TENTATIVE DETERMINATION DUE BY LAW ON JULY 19. TREASURY WOULD, OF COURSE, CONSIDER SUCH INFORMATION IN MAKING ITS FINAL DETERMINATION DUE OCTOBER 19. ACTION IN MAKING ITS FINAL DETERMINATION DUE OCTOBER 19.

2. WE ARE UNABLE TO SQUARE TESSIER'S INTERPRETATION OF ARTICLE 2(D) OF THE CODE WITH THAT OF THE EUROPEAN COM-

MUNITY, WHICH IS RESPONSIBLE FOR ANTIDUMPING MEASURES OF THE MEMBER STATES. IN A DOCUMENT DATED JUNE 12, 1978 THAT WAS CIRCULATED TO GATT ANTIDUMPING COMMITTEE, EC ARGUED THAT SALES RESULTING FROM A BEGIN QUOTE SUBSTANTIAL POLICY ORIENTED TOWARD PERSISTENT LOSSES INVOLVING CONSIDERABLE QUANTITIES OF GOODS END QUOTE ARE NOT IN THE ORDINARY COURSE OF TRADE, WITHIN THE MEANING OF ARTICLE 2(D). SIMILIMITED OFFICIAL USE

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LARLY, IN THE U.S. VIEW SUBSTANTIAL SALES OVER AN EXTENDED PERIOD OF TIME AT PRICES WHICH DO NOT PERMIT RECOVERY OF ALL COSTS WITHIN A REASONABLE PERIOD OF TIME CANNOT BE TAKEN AS A STANDARD OFFAIR VALUE AND DO NOT PERMIT A PROPER COMPARISON. AS POINTED OUT IN THE MAY 9 FEDERAL REGISTER NOTICE (REF B), TREASURY HAS RECEIVED INFORMATION THAT FRENCH WIRE ROD IS BEING SOLD IN FRANCE BELOW COST. PETITIONER ARGUED THAT FRENCH HOME MARKET PRICES ARE BELOW THE U.S. TRIGGER PRICES WHICH REFLECT THE COSTS OF THE WORLD'S MOST EFFICIENT STEEL PROFACTORS, THE JAPANESE, AND, THEREFORE, MUST BE BELOW ACTUAL FRENCH COSTS. PURPOSE OF QUESTIONNAIRE IS TO DETERMINE WHETHER THERE WERE IN FACT SUBSTANTIAL QUANTITIES OF SALES OF WIRE ROD AT A LOSS OVER AN EXTENDED PERIOD OF TIME. VANCE

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